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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,550	01/25/2002	Richard E. Michaelson	29757/P-570	8841

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EXAMINER	
YOO, JASSON H	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,550	MICHAELSON, RICHARD E.	
	Examiner	Art Unit	
	Jasson Yoo	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,14-21,34-39 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,14-21,34-39 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/25/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 9/6/06, and pending claims 1-3, 14-21, 34-49, and 41.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 14-20, 34-37, 39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. 6,077,163).

Claims 1, 14, 17, 34; Walker discloses a gaming method comprising:

Receiving a value amount to initially define a value total (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 2, lines 1-5, and column 3, lines 25-30);

Causing a video image representing a game to be generated, said video image representing one of the following games: video poker, video blackjack, video slots, video keno and video bingo, said video image comprising an image of at least five playing cards if said game comprises video poker, said video image comprising an image of a plurality of simulated slot machine reels if said game comprises video slots, said video image comprising an image of a plurality of keno numbers if said game comprises video keno, and said video image comprising an image of a bingo grid if said game comprises video bingo (Column 3, lines 1-5);

deducting a fee at intervals from the value total, the intervals being independent of play of said game represented by said video image and independent of input from a player (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 1, lines 62-65, column 2, lines 1-5, column 3, lines 25-30, column 11, lines 51-57, and claims 5, 36, 46, and 59); A flat rate fee is deducted at each player session;

determining based on the fee a value payout associated with an outcome of said game represented by said video image [(Figs. 6, 8A-B, and column 6, line 56-column 12, line 21) Based on the flat rate fee that is calculated the number of coins bet per play a pay combination jackpot is established as shown in figure 6 for example.]; and

adding the value to the value total (Fig. 13, Column 3, lines 25-30, and column 4, lines 27-35).

Claims 2, 15, and 35; Walker discloses deducting a fixed fee periodically from the value total independent of play of said game represented by said video image (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 2, lines 1-5, and column 3, lines 25-30); A flat rate fee is deducted at each player session.

Claims 3, 16, 19, and 36; Walker discloses interrupting for a period of time the deducting of a fee at intervals from the value total independent of play of said game represented by said video image (Column 4, lines 26-34). When a player cashes out early or transfers to another gaming machine the deducting of fees is interrupted.

Claims 20 and 37; Walker discloses the gaming apparatuses being interconnected to form a network of gaming apparatuses (Fig. 1, 3, and column 3, line 40-column 4, line 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,077,163) in view of Lott (5,851,011).

Claims 21 and 38, as discussed above, Walker discloses the gaming devices are connected to a network. However, Walker does not specifically teach the gaming devices are interconnected via the Internet. In an analogous art to operating gaming machines connected to a network, Lott teaches a gaming machine connected to a network and the Internet. Many video based casino games are offered over the Internet, thereby making the games available to a potentially enormous audience (col. 3:52-54). The games offered over the Internet allow players to interact with each other (share jackpot, cols. 7:32-39, 13:7-33). The operator, or casino management system could further monitor all monetary exchanges between the remote gaming machines and the player (cols. 14:66 - 15:10). Therefore it would have been obvious in one skilled in the art at the time the invention was made to modify Walker's gaming device connected to a network, and incorporate the network to include the Internet, in order to offer a large numbers of players to play the game while managing and monitoring all monetary exchanges between the gaming machines and players.

Response to Arguments

Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

Rejections for claims 1-3, 14-21, 34-39 and 41 under 35 USC 112, first paragraph have been withdrawn.

Regarding claims 14, 17, 34, 39 and 41, rejected under 35 USC 102, and the dependent claims 15, 16, 18-21, and 35-38, Applicant argues that Walker does not teach the method of deducting a fee at intervals from the value total, the intervals being independent of play of the game represented by the video image and independent of input from a player. However, as supported by the specification and recited in Applicant's arguments/remarks page 10, filed on 9/6/06, the fee deduction depends upon the time, and the length of time required by player to complete event. Walker discloses a fee deduction based on time and the length of time required by the player to complete the event. (Abstract, Figs. 2B, 5, 8A-B, 11A, 15, column 1, lines 62-65, column 2, lines 1-5, column 3, lines 25-30, column 11, lines 51-57, and claims 5, 36, 46, and 59). The player complete the event when the player stops playing the game.

Applicant further argues that Walker teaches the system determines fee to be deducted based on a value of the remaining time left when the player cashes out, and does not teach the intervals being independent of play of the game and independent of input from a player. However, changing the time intervals does not patentably distinguish over Walker. As discussed above, Walker discloses a fee deduction based on time and the length of time as whole. Regardless of the change in number of increments or the change in length of increments, the end result or the length in time as whole is still the same. For example, Walker discloses a fee of $25.00 for half an hour of play (col. 3:28-30). The half an hour of play for $25.00 is equivalent to buying six 5-minute blocks of a flat rate playing time totaling the fee of $25.00. Therefore applicant

claimed invention is equivalent to Walker, and does not overcome the prior art taught by Walker.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571) 272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHY

CORBETT B. COBURN
PRIMARY EXAMINER